

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JAY M. WHEELER.

Plaintiff,

V.

CAROLYN W. COLVIN,

Defendant.

CASE NO. C16-6010 MJP

**ORDER ON PLAINTIFF'S
MOTION FOR ATTORNEY'S FEES
AND EXPENSES PURSUANT TO
28 U.S.C. §2412**

The above-entitled Court, having received and read:

1. Plaintiff's Motion for Attorney's Fees and Expenses Pursuant to 28 U.S.C. §2412
(Dkt. No. 20),
2. Defendant's Objections to Plaintiff's Motion for Attorney's Fees and Expenses
Pursuant to 28 U.S.C. §2412 (Dkt. No. 21),
3. Plaintiff's EAJA Reply Brief (Dkt. No. 22),

all attached declarations and exhibits, and relevant portions of the record, rules as follows:

IT IS ORDERED that the motion is **GRANTED**.

1 The Court finds that granting the attorney's fees requested by Plaintiff's counsel is
2 consistent with the outcome achieved and the goals and purposes of the EAJA – the elimination
3 of "financial disincentives for those who would defend against unjustified governmental action
4 and thereby to deter the unreasonable exercise of government authority." Gutierrez v. Barnhart,
5 274 F.3d 1255, 1262 (9th Cir. 2001)(quoting Ardestani v. I.N.S., 502 U.S. 129, 138 (1991)).

6 The Court further finds that the amount of time expended by Plaintiff's attorneys was
7 reasonable, supported by adequate records and declarations. In addition to the fees and costs
8 originally requested, the Court adds the 1.5 additional hours spent in defending this motion.

9 Fees are ordered awarded in the following amount: \$9,379.28 (\$9,084.10 + 1.5 x \$196.70
10 [295.19]), plus \$6.30 in expenses for a total award of **\$9.385.58**. Subject to any offset allowed
11 under the Treasury Offset Program, payment of this award shall be sent to Plaintiff's attorney
12 Eitan Kassel Yanich at this address: Eitan Kassel Yanich, PLLC, 203 Fourth Avenue E., Suite
13 321, Olympia, WA 98501.

14 Upon the posting of this order, the Commissioner will consider the matter of Plaintiff's
15 assignment of EAJA fees and expenses to Plaintiff's attorney. Pursuant to Astrue v. Rattliff, 560
16 U.S. 586 (2010), the ability to honor the assignment will depend on whether the EAJA fees and
17 expenses are subject to any offset allowed under the Treasury Offset Program. The
18 Commissioner will contact the Department of treasury after this order is entered to determine
19 whether the EAJA fees and expenses are subject to any offset. If the EAJA fees and expenses
20 are not subject to any offset, the EAJA attorney's fees and expenses will be paid directly to
21 Plaintiff's attorney Eitan Kassel Yanich, either by direct deposit or by check payable to him and
22 mailed to his address.

The clerk is ordered to provide copies of this order to all counsel.

Dated: April 4, 2018.

Wesley P. Tolman

The Honorable Marsha J. Pechman
United States Senior District Court Judge